

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON**

IN RE: ETHICON, INC., PELVIC REPAIR SYSTEM PRODUCTS LIABILITY LITIGATION	Master File No. 2:12-MD-02327 MDL 2327 JOSEPH R. GOODWIN U.S. DISTRICT JUDGE
THIS DOCUMENT RELATES TO: WAVE 3 CASES LISTED IN EXHIBIT A, ATTACHED	

**MOTION TO EXCLUDE THE GENERAL-CAUSATION TESTIMONY OF
DONALD R. OSTERGARD, M.D.**

The plaintiffs identified in Exhibit A have identified Donald R. Ostergard, M.D. as their general-causation expert. Defendants Ethicon, Inc., Johnson & Johnson, and, if applicable, Ethicon LLC (Ethicon) move to exclude Dr. Ostergard's general-causation opinions in these cases because admissions in his recent deposition establish that much of his proposed opinion testimony is unreliable or irrelevant under the standard set forth in *Daubert v. Merrell Dow Pharm., Inc.*, 509 U.S. 579 (1993). And much of Dr. Ostergard's proposed testimony has been repeatedly excluded by the Court in previously rulings. Ethicon incorporates into this motion its Memorandum, and also the following exhibits:

1. A list of each case to which this motion ostensibly applies, identified by case style and number, attached as Exhibit A;
2. Rule 26 Report of Donald R. Ostergard, M.D., attached as Exhibit B;

3. The deposition of Donald R. Ostergard, M.D. taken March 9, 2016, attached as Exhibit C;
4. A copy the article by Keisha A. Jones, et al., *Tensile properties of commonly used prolapse meshes*, 20 INT'L UROGYNECOLOGY J. 847 (2009), attached as Exhibit D;
5. A copy the article by M. Huebner, et al., *The use of graft materials in vaginal pelvic floor surgery*, 92 INT'L J. GYNECOLOGY & OBSTETRICS 279 (2006), attached as Exhibit E.

WHEREFORE, FOR THESE REASONS and as more fully set forth in Ethicon's supporting memorandum of law, Ethicon respectfully requests that this Court enter an order granting Ethicon's Motion to Exclude the General-Causation Testimony of Donald R. Ostergard, M.D.

Respectfully submitted,

ETHICON, INC., JOHNSON & JOHNSON,
AND ETHICON LLC

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CERTIFICATE OF SERVICE

I certify that on September 19, 2016, I electronically filed this document with the clerk of the court using the CM/ECF system, which will send notification of this filing to CM/ECF participants registered to receive service in this MDL.

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